IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3535 of 1998

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RUKNUDIN AMNIYASHAH

Versus

GHANSHYAMBHAI GORDHANBHAI KOLIPATEL

Appearance:

MR MUKESH R SHAH for Appellant

MR RAJNI H MEHTA for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE H.H.MEHTA

Date of decision: 25/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. In this appeal the Court had issued notice for settlement, returnable on 1st October 2001. Pursuant to the said notice Mr. R.H. Mehta appears for respondent no.2 Insurance Company, and as a result of discussion and negotiations between the appellant and the Insurance Company, a settlement has been arrived at, which is the basis of the following order.

2. This is an appeal under section 173 of the Motor Vehicles Act, 1988 at the instance of the original claimant, who had filed a claim petition under section 166 of the said Act for compensation in respect of injuries caused to him by the vehicle insured by the respondent no.2 Insurance Company.

3. As a result of the negotiations between the parties and the consequential agreement between them, we hereby modify the impugned judgement and award passed by the Motor Accident Claims Tribunal (Auxi.2) at Nadiad in Motor Accident Claim Petition No.1084/1995 as under:

[A] The appellant claimant shall be entitled to an aggregate compensation in the sum of Rs.1,41,000/- (Rupees one lac forty-one thousand only).

[B] However, the additional sum of Rs.50,000/- (Rupees fifty thousand only) which is being awarded by the present judgement and order, shall bear interest at the rate of 9% per annum from the date of the claim petition till realisation.

[C] The appellant-claimant shall be entitled to proportionate costs throughout.

4. This appeal is accordingly partly allowed to the aforesaid extent with no order as to costs. Decree accordingly.

5. The Registry is directed to return the record an proceedings to the Tribunal forthwith i.e. not later than 9th November 2001.

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